

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ELYSE UNRATH

v.

STEAK AND ALE OF  
PENNSYLVANIA, INC. d/b/a  
BENNIGAN'S GRILL AND TAVERN

CIVIL ACTION NO. 02-CV-3191

**PLAINTIFF'S AND DEFENDANT'S STIPULATION OF FACTS**

1. This is a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332 in that the proper parties are citizens of different states.
2. Plaintiff, Elyse Unrath sustained personal injuries as a result of a slip and fall, which occurred on May 15, 2000, at approximately 5:30 p.m., at Defendant Bennigan's restaurant located on Cottman and Bustleton Avenues, in Philadelphia, Pennsylvania.
3. On May 15, 2000, Ms. Unrath was dining with a friend, Debbie Rubinski.
4. As a result of the fall, Ms. Unrath sustained severe injuries including a fracture to her left humerus bone.
5. The fracture, after a period of unsuccessful conservative treatment, which included the use of a cast and a bone stimulator, required Ms. Unrath to undergo an open reduction with internal fixation which included the use of a 13-hole plate with screws at the University of Pennsylvania Hospital.
6. Plaintiff suffers from pain in her arm and has a scar on her left arm from the operation.

7. The medical expenses in this matter total \$40,131.21.
8. The out of pocket expenses total \$3,839.65
9. The lost wages total \$9,600.
10. On May 15, 2000 Eric Blanchard was the manager of the Bennigan's at Cottman and Bustleton Avenue.
11. On May 15, 2000 Eric Blanchard was the general manager of the Bennigan's at Cottman and Bustleton Avenue.
12. On May 15, 2000 Lauren Ingalls was an employee of the Bennigan's at Cottman and Bustleton Avenue.
13. On May 15, 2000 Erin Ryan was an employee of the Bennigan's at Cottman and Bustleton Avenue.

MURRAY L. GREENFIELD & ASSOCIATES

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